

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**

Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

**DIRECT REPLY TO:**

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Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Julia Smith Gibbons  
United States Court of Appeals  
Sixth Circuit

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

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1100 New York Avenue, N.W.  
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July 16, 2003

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

*State of West Virginia, et al. v. Warrick Pharmaceuticals Corp., et al.*, S.D. West Virginia, C.A. No. 2:03-494

**Motion and Brief Due on or before: July 30, 2003**

Dear Ms. McGinley Han:

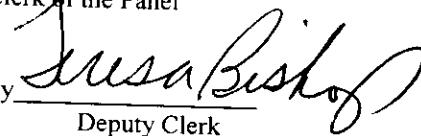
We have received and filed your Notice of Opposition to the proposed transfer of the referenced action for coordinated or consolidated pretrial proceedings. In accordance with Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order is stayed until further order of the Panel. You must adhere to the following filing requirements:

- 1) Pursuant to Panel Rules 5.12(a), 5.13 and 7.4(d), **an original and eleven copies of your Motion and Brief to Vacate the Conditional Transfer Order, as well as a computer readable disk of the pleading in WordPerfect for Windows format, must be received in the Panel offices by the due date listed above. Fax transmission of your motion and brief will not be accepted. See Panel Rule 5.12(d). Counsel filing oppositions in more than one action are encouraged to consider filing a single motion and brief with an attached schedule of actions.**
- 2) **Papers must be served on the enclosed Panel Service List. Please attach a copy of this list to your certificate of service. (Counsel who have subsequently made appearances in your action should be added to your certificate of service).**
- 3) **Rule 5.3 corporate disclosure statements are due within eleven days of the filing of the motion to vacate.**
- 4) **Failure to file and serve the required motion and brief within the allotted fifteen days will be considered a withdrawal of the opposition and the stay of the conditional transfer order will be lifted.**

Any recent official change in the status of a referenced action should be brought to the attention of the clerk's office as soon as possible by facsimile at (202) 502-2888. Your cooperation would be appreciated.

Very truly,

Michael J. Beck  
Clerk of the Panel

By   
Deputy Clerk

Enclosure

cc: Panel Service List  
Transferee Judge: Judge Patti B. Saris  
Transferor Judge: Judge Charles H. Haden II

**PANEL SERVICE LIST (Excerpted from CTO-13)**  
**DOCKET NO. 1456**  
**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE**  
**LITIGATION**

*State of West Virginia, et al. v. Warrick Pharmaceuticals Corp., et al.,*  
S.D. West Virginia, C.A. No. 2:03-494

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